

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08338

Priority: June 10, 1983

Maximum Diversion Rate:

0.22 CFS

Maximum Diversion Volume:

159.0 AF

This is to certify, that MICA BAY LAND CO INC
HC 12 BOX 464

COEUR D ALENE ID 83814

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 10, 1983; and
has submitted Proof of Beneficial Use on August 25, 1993. An examination indicates
that the works have a diversion capacity of 0.220 cfs of water from:

MICA CREEK, SOUTH FORK

tributary to MICA CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	0.22 CFS	159.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 23, Township 49N, Range 05W
KOOTENAI County

PLACE OF USE: POWER

TWN RGE SEC

49N 05W 23

SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. Use of water under this right shall be non-consumptive.

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State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 95-08338

CONDITIONS OF APPROVAL AND REMARKS

7. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
8. The diversion and use of water under this license is subject to review by the Director on or after September 1, 2003. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
9. Right 95-08330 is also diverted at the point of diversion described above.
10. Use of this right with Right 95-08330 is limited to a total combined rate of diversion of 0.44 cfs, and to a total combined annual diversion volume of 318.0 af.

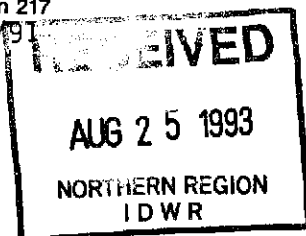
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 14TH day of SEPTEMBER, 1996.

Acting for KARL J. DREHER, Director

MICROFILMED

NOV 28 1996

11/91



OFFICE USE ONLY

Amt. of Fee \$ 175.00Date 8/25/93Receipt No. 16889Receipt by TDK

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 95-08338 Telephone No. 765-3206
2. Name(s) of Permit Holder(s): RON EVANS
3. Mailing Address: H.C. 12 - Box 464 CDA, ID 83814
4. Source of Water: South Fork of Mica Creek

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other Power Generation

6. Total rate and/or volume for which proof is submitted 4.0 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ___ No Installed? ☒ Yes ___ No

OR

Flow Measurement Port: Required? ___ Yes ☒ No Installed? ___ Yes ☒ No

8. Fee Enclosed: \$ 175.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Same as above Telephone No. _____

Address _____

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

8-24-93

Date

Ron Evans

Signature (and title, if on behalf of a company or organization)

OCT 28 1993

RECEIVED

OCT 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by JK
Date 10/17/88
Receipt # N 1878

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

Department of Water Resources

~~THUNDER STORM~~ - MICA ST. POWER
The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted
an additional period of time in which to complete development of a water right under the provisions of Section
42-204, Idaho Code. 95-8338

Permit No. 95-8338

Name(s) of Permit Holder: MICA BAY LAND CO., INC.

Post Office Address: H.C. 12 Box 464 Coeur d'Alene,

ID. Telephone No. 664-9413

Date Proof is Due: 12-1-88

Describe what work has been completed toward the development of this water right: _____

(This must be filled out! If no work has been completed, show "none".)

Deversion STARTED & equipment purchased
to date costing as below

Costing \$ 1300.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Need more time for size of Venture

Permit holder(s) request an extension to _____, 19 ____
(1 yr. minimum)

[Signature]
(Signature)*
*IF OTHER THAN PERMIT HOLDER, PARTNER
POWER OF ATTORNEY MUST BE SUPPLIED.

FEE: \$15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the request for extension of time be APPROVED and the time within
which to submit proof of beneficial use be extended to December 1, 1993.

MACROFILMED
JAN 10 1989

Signed this 24th day of October, 19 88.

[Signature]
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant MICA BAY LAND COMPANY Phone 208-664-8714
Post office address Star Route and/or P.O. Box 943 Coeur d' Alene, Id. 83814

2. Source of water supply South Fork of Mica Cr. which is a tributary of Mica Creek

3. Location of point of diversion is N.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of Section 23 Township 49 N.

Range 5 W B.M. Kootenai County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.5 for ^{Power} Generation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.5 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. See Remarks sec. # 10

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Section 23 Township 49 N.
Range 5 W B.M.

(2) Amount of power to be generated: 25 to 35 KW horsepower under 150 feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

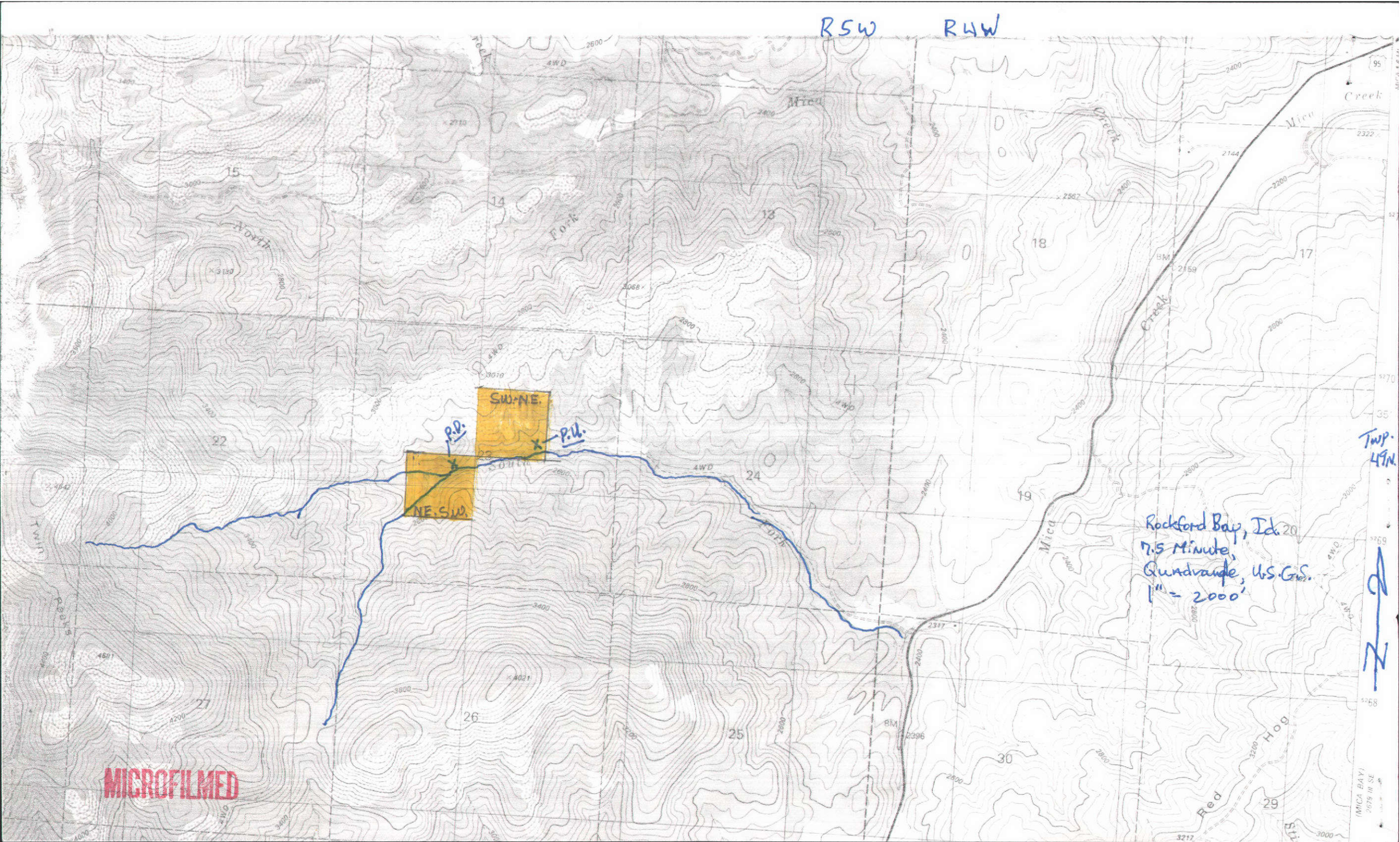
10. Remarks Supplemental information, this application will be a high head turbine using 12" PVC approx. 1500' in length of penstock, with a vertical ^{HEAD} of approx. 150 feet.

Peak power periods will occur in the winter & spring months, also these periods are when the most power will be needed, the lightest power loads will occur during the summer and fall months.

Power produced will be used for raising commercial production of fish. All State agencies concerned will be contacted prior to start of construction.

RSW

RWW



Rockford Bay, Id.
7.5 Minute,
Quadrangle, U.S.G.S.
1" = 2000'

Twp.
49N



(MICA BAY)
2679 M SE

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to show clearly the proposed point of discussion

[illegible]

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Leah R. [Signature]
(Applicant) Private
[Signature]

DECLASSIFIED

Proposed Priority 6/10/83

Received by JH Date 6-10-83 Time NOON

Preliminary check by JH Fee \$ 105⁰⁰

Receipted by JH Date 6-10-83 (27148) 8 (27184)

Publication prepared by mm Date 6/16/83

Published in Coeur d'Alene Press

Publication dates 6/23-6/30/83

Publication approved mm Date 7/12/83

Protests filed by: James Catliff, Larry Mundt

John Isalter - 7/11/83 - No protest, see memo dated 10/27/83 from ~~Bob~~ Haynes.

Copies of protests forwarded by mm

Hearing held by mm Date mm

Recommended for approval denial by mm kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-8338, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Use of water under this permit is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.

The permit holder shall either install a measuring device or an access port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.

This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

Witness my hand this 29th day of December, 1983.

J. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, _____ of _____,
(name) (city)

county of _____, State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, Keith R. Kroetch of Coeur d' Alene,
(name) (city)

County of Kootenai, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the Mica Bay Land Company ^{INC.}

_____ : that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at
Wallace Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that Mica Bay Land Company
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for
Permit:

(check one)

- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a
canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal,
and permission of the owner is documented in an affidavit attached hereto.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal
and the owner of the facilities is the signee of this affidavit.

State of Idaho)
County of Kootenai) ss.

Keith R. Kroetch
Applicant Title

On this 9th day of June, 1983, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Patricia Boyer Kamp
Notary Public residing at
#176 Lake Villa
Coeur d'Alene, ID

seal

My commission expires:

Lifetime

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DATE: 08/23/96
PAGE: 1

The diversion and use of water under this license is subject to review by the Director on or after September 1, 2003. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

Right 95-08330 is also diverted at the point of diversion described above.

Use of this right with Right 95-08330 is limited to a total combined rate of diversion of 0.88 cfs, and to a total combined annual diversion volume of 636.0 af.

WR0749NP
No. L95-08338

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/23/96
PAGE: 2

=====
Dates: App. Received: 06/10/1983 Priority Date: 06/10/1983
Proof Due Date: 12/01/1993 Proof Made Date: 08/25/1993
Exam Made Date: 08/21/1994 Exam Sent to S.O.: 07/19/1996
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 08/27/1993 User-ID: ANDREGG Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 08/22/96 SCURTIS 08/22/96 SCURTIS 08/23/96 SCURTIS

LICENSE REVIEW CHECKLIST

PERMIT NO. 95-08338

DATE 8/22/96

REVIEWER: S H A R L A

NAME	Change <u>OK</u>	Address Change <u>NO</u>
SOURCE	<u>✓</u>	Is change/clarification of originally intended source? <u> </u> If not, prepare Notice of Intent to Void <u> </u>
POINT OF DIV	<u>✓</u>	Amendment required <u>NO</u>
PLACE OF USE	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate 3.5 cfs

Fee limit 4.0 cfs #175⁰⁰

Measured .22 cfs

Theoretical .44 cfs

unreliable - not sure where meas. was taken
5 gal/3 sec 4" pipe @ 5fps = .44 cfs
Recommended Total Div Rate .44 cfs

ANNUAL VOLUME/ NATURE OF USES

Use <u>Power</u>	Volume Calculation <u>*</u> af
<u> </u>	<u> </u> af
<u> </u>	<u> </u> af
<u> </u>	<u> </u> af
<u> </u>	<u> </u> af
SUBTOTAL	<u> </u> af

Flow rate 44 cfs X 365 days X 1.98^{af} = 318.0 af

Total volume recommended af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

* lmt div. rate/volume in
comb w/ 95-08330.

CONDITIONS Watermaster Control WD#

 GW Measurement/Measuring Device

 Overlap

R22 Use-specific conditions 025,027

Advancement of Priority Date Required yes no

SRBA Claim Filed NA

Adjustment Memo

1st Amend Letter NA

2nd Amend Letter

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 22 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-08338

1. Owner: Mica Bay Land Co. Phone No. _____

Current Address: HC 12 Box 464 Coeur d'Alene Id, 83814

2. Accompanied by: Ron Evens EXAM DATE: 5/7/96

Address: same as above Phone No. _____

Relationship to Permit Holder: owner

3. Source: South fork Mica Creek tributary to Mica Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SW	23	49N	05W	Kootenai	logs 7.5 min ghad

2. Place(s) of Use:

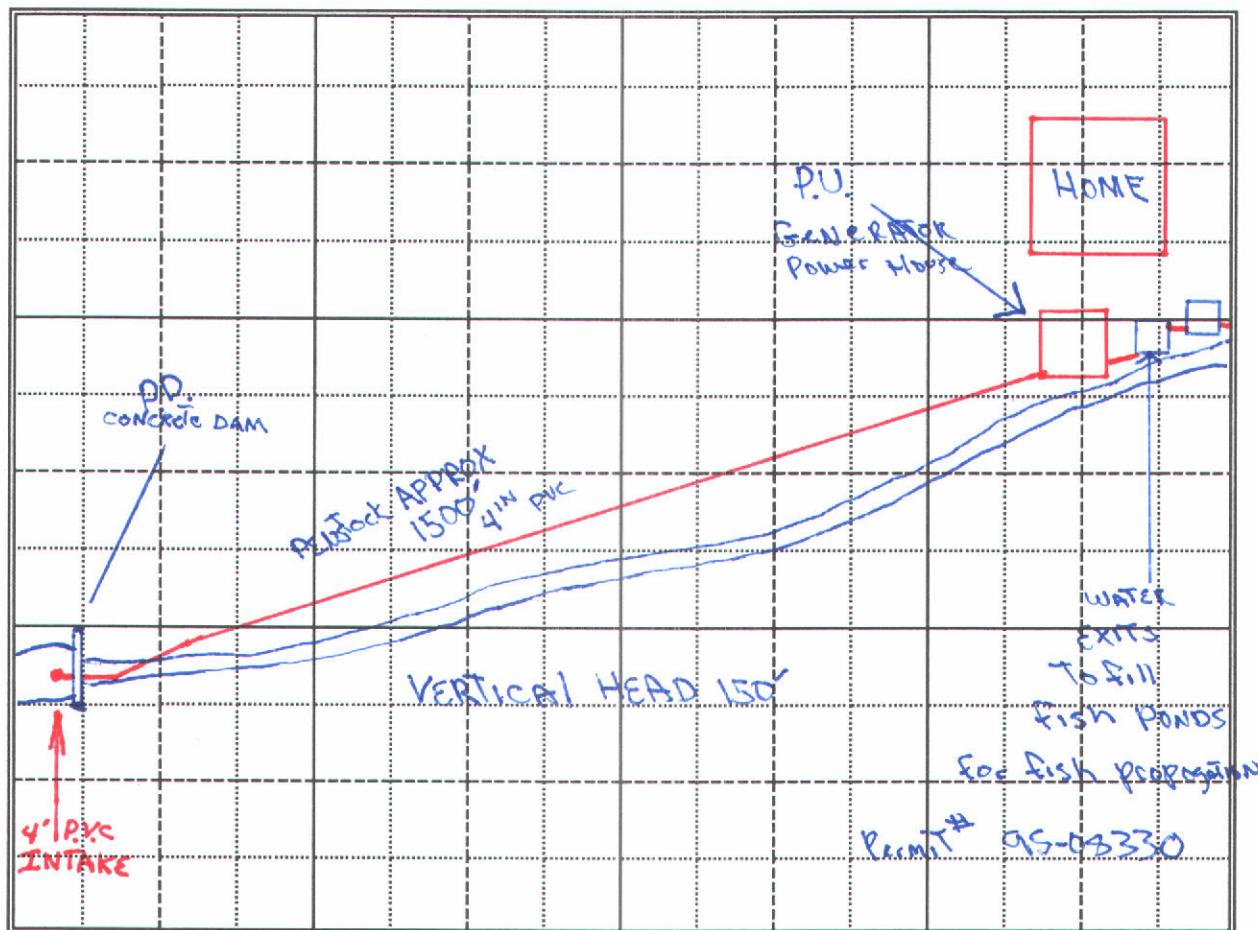
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N	05W	23			P														

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = NTS

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	<u>NA</u>		<u>NA</u>	<u>NA</u>	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<u>5 gallon Bucket</u>						

2. Measurements:

five gallons in three seconds
5 gal / 3 sec

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E. NARRATIVE/REMARKS/COMMENTS

Water from the south fork of Mica Creek is diverted by concrete dam in creek then piped through a 4" pvc penstock approx 150' with 150' of vertical head to generator after power generation the "used" water is then used to fill his fish ponds for fish propagation permit # 95-08530 My flow measurement indicated a flow of 100 gpm or .22 cfs which is far from the 35 cfs on application.

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$\frac{5 \text{ gal}}{3 \text{ sec}} = 100 \text{ gpm}$$

$$\frac{9 \text{ gpm}}{.02 \text{ cfs}} = \frac{100 \text{ gpm}}{.22 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$.22 \times 365 \times 1.9835$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Power</u>	<u>01-01</u>	<u>12-31</u>	<u>.22</u>	<u>159.27</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>.22</u>	<u>159.27</u>

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above ☒ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

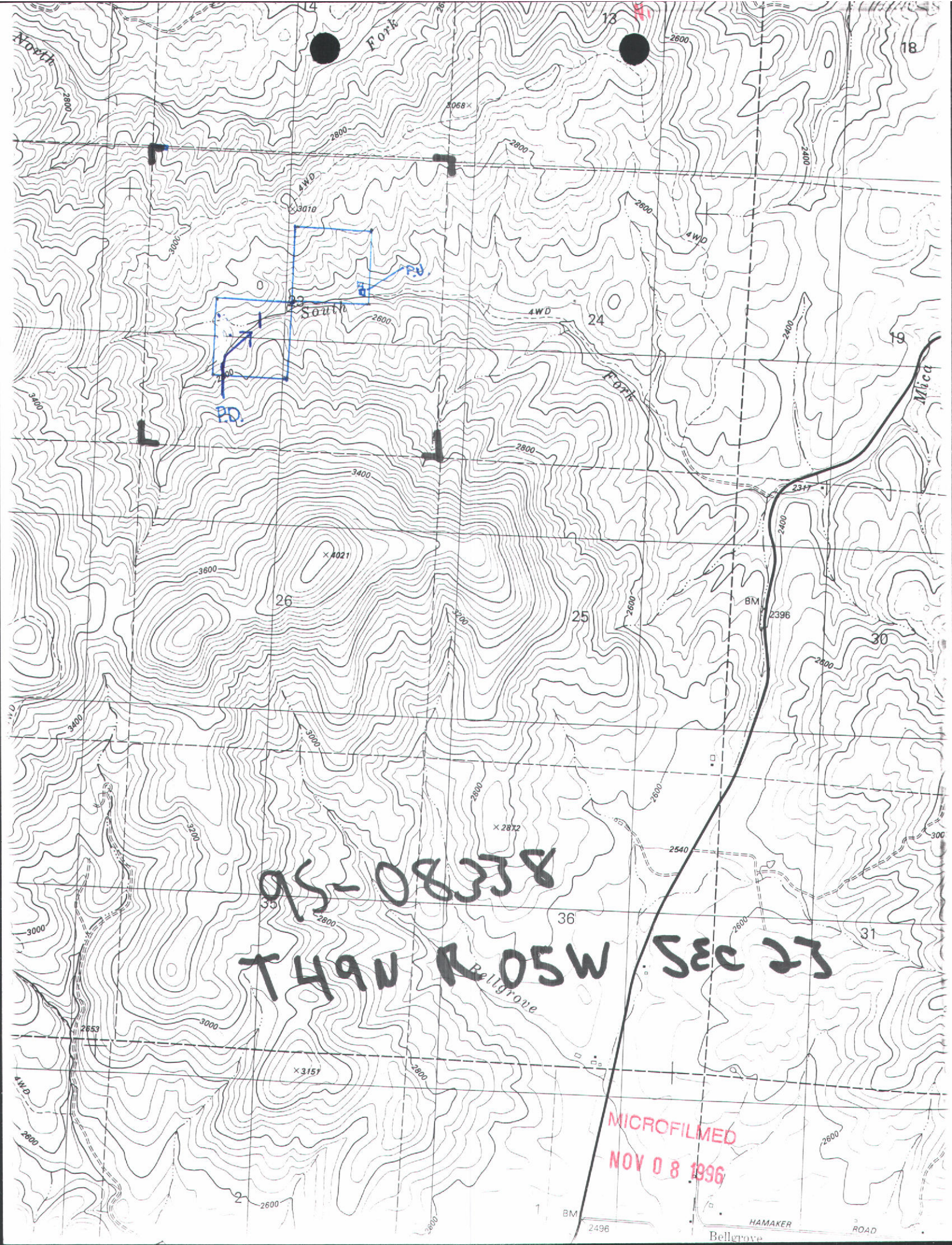
I. AUTHENTICATIONField Examiner's Name Ed McCreary Date _____

Reviewer _____ Date _____

SEAL

MICROFILMED

OV 0 8 1956



95-08338
T49N R05W SEC 23

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← output #1

output #2



← intake



← P.D.



← GENERATOR



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1040121 NH 3 M 2

← output #1

output #2

← intake

← P.D.

← GENERATOR

MICROFILMED
NOV 08 1996

1040121

1040121 N 1/2 H 2

← output #1

output #2



← intake

← P.D.

← GENERATOR



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NOV 08 1996

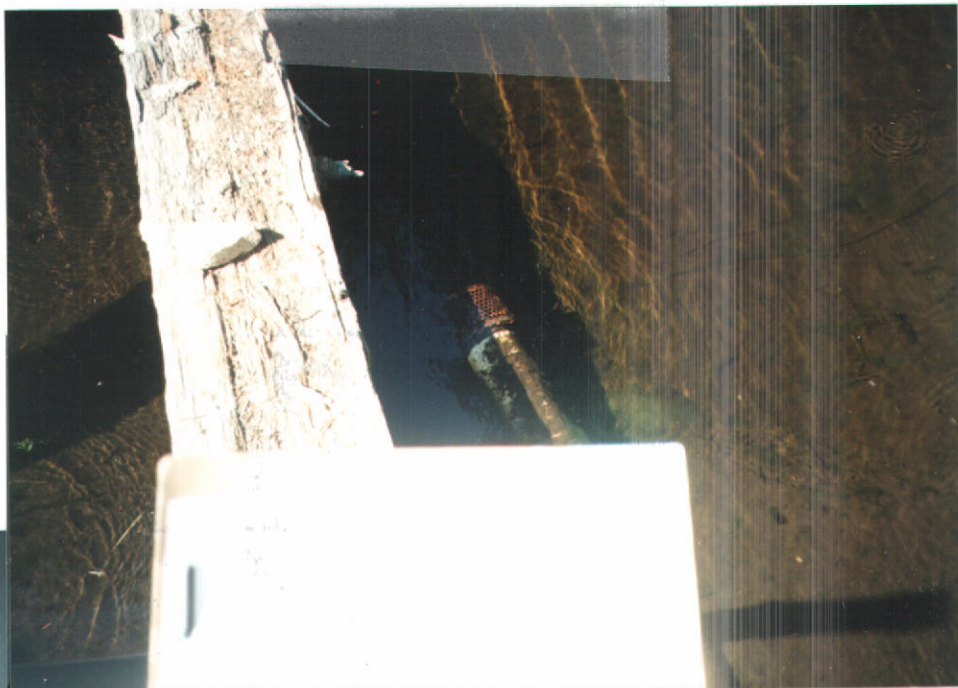
1040121

10401

1050121 N.N.N.

← output #1

output #2



← intake

← P.D.

← GENERATOR



MICROFILMED
NOV 08 1996

1040121

10401

1050121 NH 12

← output #1

output #2

← intake

← P.D.

← GENERATOR



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1040121

10401

1050121 81

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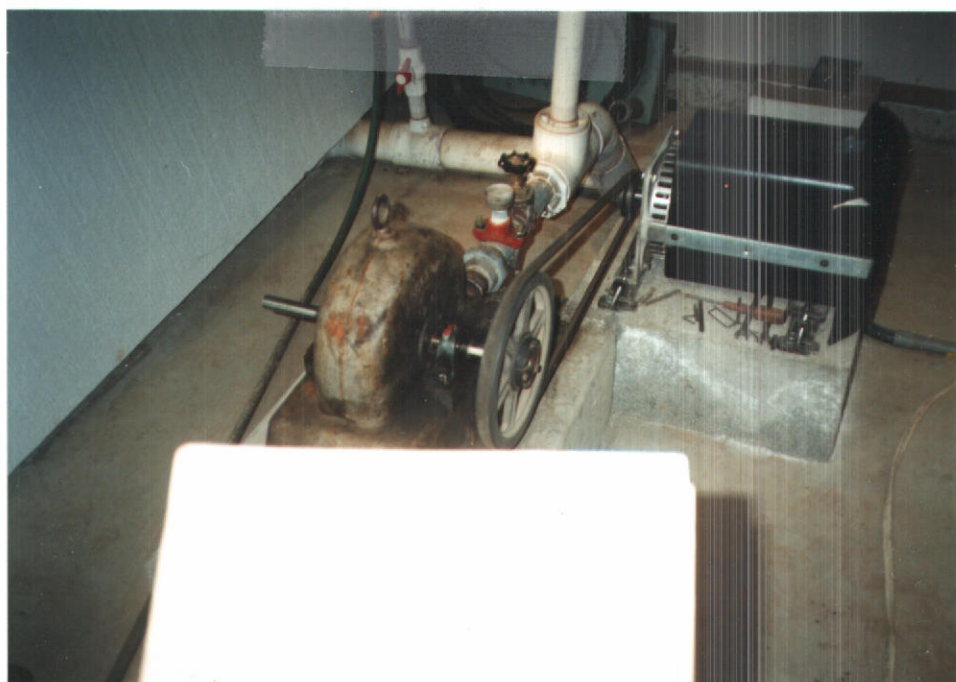
← output #1

output #2

← intake

← P.D.

← GENERATOR



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POWER CALCULATIONS FOR APPLICATION NO. 95-8338

25-35 kw
P = Kilowatts .74 X hp

proposed

Q = cfs 3.5

V Affidavit

H = feet 150

e = efficiency

$$e = \frac{P(11.8)}{QH} = \frac{25(11.8)}{3.5 \times 150} = \frac{295}{525} = 0.56$$

$$\frac{35(11.8)}{525} = 0.79 = 79\% e$$

Based on the above calculations the proposed project must have an 79 % efficiency. @ 35 kW.

OVERLAP REVIEW

P/D 95-8327 permit for use & domestic
95-8330 permit for fish prop.
95-8337 app. for power
- all in the name of Mica Bay Land Co.
Power use for this app & 95-8337 is for
the raising of fish.

P/U same as above.

RECEIVED

BYPASSED AREA

95-8338 - overlap review for power 12/20/83

<u>pd/sec</u>	<u>stage</u>	<u>use</u>
95-8327	P	A, D
95-8330	P	H
95-8337	A	P ← power overlap

<u>pu/sec</u>	
95-8327	A
95-8330	H
95-8331	P ← power overlap

RECEIVED
DEC 21 1983

